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Notes

This department will include (1) brief articles and notes dealing with literary, philological, archaeological, or textual questions; and (2) discussions of articles or reviews appearing in this or other journals. Contributions should be sent to Henry A. Sanders, 1227 Washtenaw Avenue, Ann Arbor, Mich.

THE SOURCE OF THE ERROR IN LIVY xxi. 18. 1

The statement of Livy is as follows: *legatos maiores natu, Q. Fabium M. Livium L. Aemilium C. Licinium Q. Balbium, in Africam mittunt*. Weissenborn called attention to the fact that Balbius was also on the first embassy, neither of the members of which seem strictly *maiores natu*; for P. Valerius Flaccus had been consul in 227 B. C., and so could hardly be over fifty, while Balbius is not otherwise known. Weissenborn also notes that Livius and Aemilius were the consuls of the previous year, and so infers that their trial for embezzlement must have come later. That is, however, impossible, as the trial immediately followed their consulship; for Livy must have treated it in book xx. In xxii. 35. 3 also he mentions M. Livius as *ex consulatu damnatus*; cf. Liv. xxii. 49. 11. Not only is doubt thus cast on the names of three of the ambassadors, but not even the name of the leader, Q. Fabius, is certain. Dio Cassius (fr. 55. 10), the only other authority to name one of these ambassadors, calls the leader Marcus Fabius. It thus seems certain that the earliest annalist gave only the name Fabius as leader of the embassy. Some younger annalist or annalists then completed the names for an embassy of five members. The work was done in the most superficial manner, the names nearest at hand in the history being taken. This adequately explains why the consuls of the preceding year and one member of the former embassy were wrongly assigned this honor. But why was not the other member of the first embassy, P. Valerius Flaccus, named in the fourth place instead of C. Licinius? This peculiar falsification gives us a clue to the source of the whole passage. It points to the younger annalist, C. Licinius Macer, who either derived the name from family records or funeral orations (cf. Cicero *Brutus* 16. 62 on the frequency of such falsifications), or himself inserted it to add glory to his family.

H. A. SANDERS.